

Attorney's Docket No.: 07844-431001 / P395

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James D. Pravetz et al. Art Unit : 2143
Serial No. : 09/624,936 Examiner : Mitra Kianersi
Filed : July 25, 2000
Title : COMMUNICATING DATA USING AN HTTP CLIENT

**RECEIVED
CENTRAL FAX CENTER**

JUL 07 2004

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL

AMENDMENT IN REPLY TO ACTION OF APRIL 7, 2004

Please amend the above-identified application as follows:

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

July 7, 2004

Date of Transmission

Signature

Loni M. Cummings

Typed or Printed Name of Person Signing Certificate

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 2 of 11

Attorney's Docket No.: 07844-431001 / P395

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) An apparatus comprising:
 - a computer executable for processing a file of a first file type, comprising:
 - a first module that ~~determines whether the file includes a first~~ identifies a content type of the file, the first module performing a first function if the file includes ~~the a~~ a first content type, and
 - a second module that ~~determines whether the file includes a second~~ identifies the content type of the file, the second module performing a second function different from the first function if the file includes ~~the a~~ a second content type; and
 - a HTTP client that receives files of the first type and a second type from a network, the HTTP client causing the computer executable to process files of the first type.
2. (Original) The apparatus of claim 1, wherein the first content type includes a set of instructions and the first module executes the instructions.
3. (Original) The apparatus of claim 2, wherein the apparatus is associated with a computer processor and the computer executable further comprises an extraction module, the instructions causing the extraction module to extract information from the computer.
4. (Original) The apparatus of claim 3, wherein the computer executable further comprises a third module for transmitting the extracted information by generating a HTTP request containing the information and sending the HTTP request over the network.

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 3 of 11

Attorney's Docket No.: 07844-431001 / P395

5. (Original) The apparatus of claim 3, wherein the extracted information includes habitat information.
6. (Original) The apparatus of claim 5 wherein the habitat information includes at least one of a machine ID, a storage ID, an Ethernet address, and a processor ID.
7. (Original) The apparatus of claim 2, wherein the instructions cause the first module to install computer software on a computer associated with the apparatus.
8. (Original) The apparatus of claim 7, wherein the computer software is an updated version of the computer executable for processing a file.
9. (Original) The apparatus of claim 1, wherein at least one of the first and second functions includes displaying at least a portion of the information contained within the file.
10. (Original) The apparatus of claim 1, wherein at least one of the first and second functions includes uncompressing at least a portion of the information contained within the file.
11. (Original) The apparatus of claim 1, wherein at least one of the first and second functions includes storing at least a portion of the information contained within the file.
12. (Original) The apparatus of claim 3, wherein the computer executable further comprising an HTTP module that generates a hypertext transfer protocol method for sending the extracted information over a network.
13. (Original) The apparatus of claim 12 wherein the method is either a PUT or a GET method.

Applicant : James D. Pravetz et al
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 4 of 11

Attorney's Docket No.: 07844-431001 / P395

14. (Currently Amended) A method for processing a file comprising:
receiving ~~the a~~ file and information about ~~the a~~ type of the file;
~~determining~~ selecting a computer executable associated with the file ~~based on~~ using the
information about the type of the file; and
causing the computer executable to process the file, with processing further comprising:
determining whether the file includes a first content type, the computer executable
performing a first function if the file includes the first content type; and
determining whether the file includes a second content type, the computer
executable performing a second function different from the first function if the file includes the
second content type.
15. (Original) The method of claim 14, further comprising:
generating a HTTP request containing information and sending the information by
sending the HTTP request over a network.
16. (Original) The method of claim 14, wherein the first content type includes a set of
instructions and the first function executes the instructions.
17. (Original) The method of claim 16, wherein the method is associated with a computer, the
instructions causing the extraction module to extract information from the computer.
18. (Original) The method of claim 17, wherein the extracted information includes habitat
information.
19. (Original) The method of claim 18, wherein the habitat information includes at least one of
a machine ID, a storage ID, and an Ethernet address.
20. (Original) The method of claim 16, wherein the instructions cause the computer executable
to install computer software on the computer.

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 5 of 11

Attorney's Docket No.: 07844-431001 / P395

21. (Original) The method of claim 20, wherein the computer software is an updated version of the computer executable.

22. (Original) The method of claim 14, wherein at least one of the first and second functions includes displaying at least a portion of the information contained within the file.

23. (Original) The method of claim 14, wherein at least one of the first and second functions includes uncompressing at least a portion of the information contained within the file.

24. (Original) The method of claim 14, wherein at least one of the first and second functions includes storing at least a portion of the information contained within the file.

25. (Original) The method of claim 15 wherein the method is either a PUT or a GET method.

26. (Original) The method of claim 14, wherein the file contains both the first content type and the second content type, the computer executable processing the file to perform both the first and the second function.

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 6 of 11

Attorney's Docket No.: 07844-431001 / P395

REMARKS

Claims 1-26 are pending. Claims 1 and 14 have been amended. No new matter is added. Reconsideration of the action mailed April 7, 2004, is requested in light of the following remarks.

The Examiner rejected claims 1-6, 12-19, and 25-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,397,246 ("Wolfe").

The Examiner rejected claims 7-11 and 20-24 under 35 U.S.C. § 103(a) as being unpatentable over Wolfe in view of U.S. Patent Application No. 2002/0010746 ("Jilk").

Section 102(e) Rejections

Claim 1 stands rejected as anticipated by Wolfe. Claim 1 recites a "second module performing a second function different from the first function if the file includes a second content type." Wolfe does not disclose a second content type or a module that performs a function on a file having a second content type. The Examiner cites Fig. 3a, element 52, which reads, "[r]ead referrer field in HTTP request from client," as disclosing the recited feature of claim 1. Applicant respectfully disagrees. Element 52 is described at col. 6, lines 58-63, which reads as follows:

[C]ontrol transfers to block 52 where the proxy server program 6 reads the referrer field in the HTTP request from the client 8. The HTTP request from the client 8 includes a request-header field in which the information client 14 passes additional information about the request and the client 8 to the proxy server 6.

Wolfe is processing URL file requests to return a particular advertising file (ADFILE) if certain criteria are met. When a received URL file request matches a set of criteria, the next step is to read the referrer field. *See* col. 6, lines 57-58. The referrer field can contain information about the request from the client, such as the address of the resource making the request. *See* col. 6, lines 60-66. The cited section does not disclose a second module that performs a second function if the file includes a second content type. A referrer field, part of each HTTP request, is

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 7 of 11

Attorney's Docket No.: 07844-431001 / P395

not a second content type for a file of a first file type. While the content within the referrer field may be different for each HTTP request, the type of content is the same for each HTTP request because all of Wolfe's HTTP requests have a referrer field.

A different content type is distinguishable from a different content. The definition of type is: "The general form, structure, or character distinguishing a particular kind, group, or class of beings or objects" Oxford English Dictionary (2d ed., 1989), def. 5.a. Thus, a different content type requires a difference in the general form, structure, or character of the content, in this case a the content of a file of a first file type. Wolfe as a whole fails to disclose different content types of a received file. For at least the forgoing reasons claim 1, as well as claims 2-13, which depend from claim 1, are in condition for allowance.

Claim 1 also recites "a HTTP client that receives files of the first type and a second type from a network, the HTTP client causing the computer executable to process files of the first type." Wolfe does not disclose an HTTP client that receives files of a first and second file type.

The Examiner cites FIGS. 3a and 3b as well as col. 5, lines 51-60, which reads as follows:

FIGS. 3a, b illustrate logic implemented in the proxy server program 16 to process a request for a document at a URL from the client 8. In preferred embodiments, the information client 14 submits a request using the HTTP protocol, such as the HTTP GET command, for a document at a particular URL. Control begins at block 30 which represents the proxy server program 16 processing a URL request. As discussed, the proxy server program 16 includes both HTTP server and client protocols to process both requests from the client 8 and submit requests to other servers 4a, b, c.

Wolfe describes logic for processing a received request from a client using the HTTP protocol. Wolfe does not describe a client that receives files of a first and second type from a network. Further, Wolfe does not describe a computer executable that processes the received files of a first type, and in particular not a computer executable that includes modules that determine whether the received file includes a first or a second content type and accordingly perform a first or a different second function, as recited in claim 1. In Wolfe, a file request is received as a URL. If the request URL matches certain criteria, the request is processed to

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 8 of 11

Attorney's Docket No.: 07844-431001 / P395

determine a substitute advertising file. The advertising file is returned to the file requestor in place of the original request. Wolfe only discloses receiving HTTP requests from a network. If a HTTP request is considered a file, it is a file of a single file type. Applicant respectfully submits that claim 1, as well as claims 2-13 which depend from claim 1, are in condition for allowance.

The Examiner also states in the Response to Arguments that col. 2, lines 25-33 of Wolfe discloses a first and second file type. Applicant disagrees. Col. 2, lines 25-33 reads, in pertinent part, as follows:

[T]he requested file is included in a first server. A second server performs the steps of receiving the request, determining the request attribute, processing rule information, determining whether the request attribute matches, retrieving the substitute file, and returning the substitute file to the processing system. The first server, client computer, and second server communicate over the network.

The cited section describes a first and second server. The requested file is located on the first server, however the second server receives the file request, processes the request, and returns a substitute file to a client in place of the requested file. Thus, the first server is the destination of the HTTP request and the second server is the proxy server that intercepts the HTTP request. See col. 4, lines 14-26. The cited section does not disclose an HTTP client that receives files of a first and a second type. The second server only receives files of a first type (HTTP requests). For at least these additional reasons, claim 1, as well as claims 2-13, which depend from claim 1, are in condition for allowance.

Claim 2 and 16 were rejected as anticipated by Wolfe. Claim 2 recites "the first content type includes a set of instructions and the first module executes the instructions." Similarly, claim 16 recites: "the first content type includes a set of instructions and the first function executes the instructions." Wolfe does not describe the first content type of a file including a set of instructions or the execution of the instructions.

The Examiner states that Wolfe discloses a set of instructions included in the first content type at col. 2, lines 10-24. Applicant disagrees. Col. 2, lines 10-24 read, in pertinent part, as follows:

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 9 of 11

Attorney's Docket No.: 07844-431001 / P395

[A] method and system for processing a file request. A request is received from a client computer for a file at a file path location in a network. A request attribute associate with the request from the client computer is determined. Rule information indicating at least one substitute file and an attribute associated with each substitute file is processed to determine whether the determined request attribute matches an attribute associate with one substitute file.

The cited section describes the processing of a file request using rules. The rules are used to determine whether or not to substitute a file request with an advertisement. For example, if a URL request is for a specific web page and from a particular DNS location at a designated time, the rule indicates what substitute file can be retrieved in place of the HTTP request. The rules are not instructions contained within the first content type of a received file; instead the rules are clearly within the request processing system. Further, Wolfe does not disclose different content types for the HTTP requests. Each HTTP request contains content of the same type, e.g., a requested URL, timestamp, client DNS. The actual content may be different, but this does not disclose different content types for the file.

The Examiner states in her Response to Arguments that "Wolfe on Col. 2, lines 33-39, teaches the attributes or the content type of a file associated with a request or a received file." Applicant disagrees. The cited section reads, in pertinent part, as follows:

The attribute associated with the substitute file is a member of the set of attributes comprising a file path location, an address identifier, and a time range and the request attribute associated with the request is a member of the set of request attributes comprising a file path location, an address identifier, and a time range.

The cited section simply describes that substitute files and file requests are associated with a particular attribute. The attributes are used by the rule definition file to select a substitute file for a particular URL request. *See* col. 4, line 49- col. 5, line 20. For example, if a particular request seeks a particular destination URL, then a particular ADFILE corresponding to a request for that destination may be selected. The cited section, and Wolfe as a whole, does not disclose any instructions contained within the content of a received file nor the execution of those instructions by a first module. For at least the foregoing reasons, claims 2 and 16, as well as

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 10 of 11

Attorney's Docket No.: 07844-431001 / P395

claims 3-8 and 17-21, which depend from claims 2 and 16 respectively, are in condition for allowance.

Claim 14 stands rejected as anticipated by Wolfe. Claim 14, as amended, recites "performing a second function different from the first function if the file includes the second content type." Wolfe does not disclose performing a second function different from the first function if the file includes a second content type. For at least the reasons set forth above with respect to claim 1, claim 14, as well as claims 15-26, which depend from claim 14, are in condition for allowance.

Section 103(a) Rejections

Claims 7 and 20 were rejected as unpatentable over Wolfe in view of Jilk. Claim 7 recites "the instructions cause the first module to install computer software on a computer." Similarly, claim 20 recites "the instructions cause the computer executable to install computer software on the computer." The Examiner agrees that Wolfe does not describe the recited elements of claims 7 and 20. The Examiner cites paragraph 110 of Jilk, particularly a portion that reads as follows:

[T]he mailer 527 transmits the HTTP request and waits for a response. The Web server 507 locates the requested page or executes the specified application program to generate the response page. In some cases, an application program in Web server 507 inserts additional URL requests in the Queue through queue link 510.

The cited section of Jilk does not describe instructions contained within a received file that cause the installation of computer software onto a computer. Waiting for a response to a request, generating a response page, and inserting URL requests do not constitute the installation of software based on instructions contained within a received file. Since neither Wolfe nor Jilk describe or suggest the recited elements of claims 7 and 20, neither Wolfe nor Jilk suggest claims 7 and 20. For at least the foregoing reasons, claims 7 and 20 are in condition for allowance.

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 11 of 11

Attorney's Docket No.: 07844-431001 / P395

The Examiner also states in her Response to Arguments that the Abstract in Jilk discloses instructions causing the computer executable to install computer software on the computer.

Applicant disagrees. The abstract, in pertinent part, reads as follows:


The sent first Web page may include one or more of links or forms for further interaction, and is in a format consistent with an email environment such that the Web page is directly operable in an email browser of the environment.

Jilk discloses a method for operating a Web page in an email browser. The abstract does not describe instructions from a received file that cause the installation of computer software on a computer. Jilk does not state that additional software is installed or that the installation instructions are received from the web page. Furthermore, Jilk teaches away from the installation of software by stating in the Abstract that the "Web page is directly operable in an email browser." For at least the foregoing additional reasons, claims 7 and 20 are in condition for allowance.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

7 July, 2004
Brian J. Gustafson
Reg. No. 52,978

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50210540.doc

Attorney's Docket No.: 07844-431001
Client's Ref. No.: P395

OFFICIAL COMMUNICATION FACSIMILE:

OFFICIAL FAX NO: (703) 872-9306

OFFICIAL

Number of pages including this page

13

Applicant : James D. Pravetz et al.
Serial No. : 09/624,936
Filed : July 25, 2000
Title : COMMUNICATING DATA USING AN HTTP CLIENT

Art Unit : 2143
Examiner : Mitra Kianersi

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


JUL 07 2004
RECEIVED
CENTRAL FAX CENTER

21C9

Attached to this facsimile communication cover sheet are AMENDMENT IN REPLY TO ACTION OF APRIL 7, 2004 and INTERVIEW SUMMARY, faxed this 7th day of July, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: July 7, 2004


Brian J. Gustafson
Reg. No. 52,978

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Fax: (650) 839-5071

50224666.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (650) 839-5070 to arrange for its return. Thank you.

Attorney's Docket No.: 07844-431001 / P395

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James D. Pravetz et al. Art Unit : 2143
Serial No. : 09/624,936 Examiner : Mitra Kianersi
Filed : July 25, 2000
Title : COMMUNICATING DATA USING AN HTTP CLIENT

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

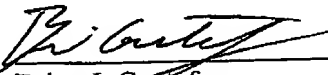
INTERVIEW SUMMARY

Applicant wishes to thank the Examiner for the courtesy of an Interview conducted July 7, 2004. In the interview, in which Applicant's representative Brian J. Gustafson and Examiner Kianersi participated, claim 1 was discussed with respect to the cited reference of Wolfe. The rejection of claim 1 was discussed and Applicant's representative described the invention and the differences from Wolfe. No agreement was reached.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

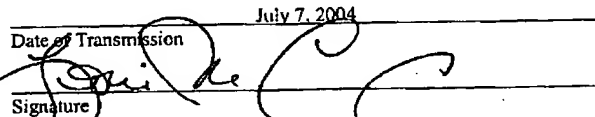
7 July, 2004

Brian J. Gustafson
Reg. No. 52,978

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071
50211932.doc

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission July 7, 2004

Signature

Loni M. Cummings

Typed or Printed Name of Person Signing Certificate